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MAR 03 2025

CLERK OF DISTRICT COURT
DISTRICT OF NEVADA

AO 243 (Rev. 09/17)

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT COURT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District	BY: <u>Ami</u> DEPUTY
Name (under which you were convicted): <u>MURREL VAILES</u>		Docket or Case No.: <u>2:22-CR-00104-JAD-BNW</u>	
Place of Confinement: <u>VICTORVILLE FEDERAL CORRECTIONAL INSTITUTION #2 ADELANTO, CA 92301</u>		Prisoner No.: <u>#10662298</u>	
UNITED STATES OF AMERICA		Movant (include name under which convicted) V. <u>MURREL VAILES</u>	

MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
333 LAS VEGAS BLVD SOUTH Room #1334
LAS VEGAS, NEVADA 89101

(b) Criminal docket or case number (if you know): 2:22-CR-00104 JAD-BNW

2. (a) Date of the judgment of conviction (if you know): 03-21-2024

(b) Date of sentencing: 03-18-2024

3. Length of sentence: 180 MONTHS

4. Nature of crime (all counts): #1 (18 U.S.C. 77(922)(g)(1) and (924)(A)(2) Felon in Possession OF A FIREARM)
#2 (21 U.S.C. 77(841)(A)(1) and (B)(1)(A)(viii) Possession with intent to Distribute methamphetamine)

5. (a) What was your plea? (Check one)

(1) Not guilty ☐

(2) Guilty ☒

(3) Nolo contendere (no contest) ☐

6. (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☐

No ☐

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8. Did you appeal from the judgment of conviction?

Yes ☐No ☒

9. If you did appeal, answer the following:

(a) Name of court: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐No ☒

If "Yes," answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

(5) Grounds raised: _____

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☐No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

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- (4) Nature of the proceeding: _____
- (5) Grounds raised: _____

- (6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☒

- (7) Result: _____

- (8) Date of result (if you know): _____

- (b) If you filed any second motion, petition, or application, give the same information:

- (1) Name of court: _____

- (2) Docket of case number (if you know): _____

- (3) Date of filing (if you know): _____

- (4) Nature of the proceeding: _____

- (5) Grounds raised: _____

- (6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐ No ☒

- (7) Result: _____

- (8) Date of result (if you know): _____

- (c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☒

(2) Second petition: Yes ☐ No ☒

- (d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

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12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: INEFFECTIVE ASSISTANCE OF COUNSEL

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

ORIGINALLY I FILED A MOTION TO THE HONORABLE JUDGE: JENNIFER A. NORSEY, REGARDING MY COUNSEL FEDERAL PUBLIC DEFENDER JOANNE L. DIAMOND, WHO DID INTENTIONALLY ENGAGE IN MISCONDUCT INVOLVING DISHONESTY, DECEIT, OR MISREPRESENTATION, BY FALSIFYING STATEMENTS IN THE MOTION TO SUPPRESS REPLY TO THE GOVERNMENT, PERTAINING TO A CONVERSATION BETWEEN MYSELF & A UNDECOVER OFFICER. ALSO I WAS LITERALLY COERCED BY INTIMIDATION INTO TAKING A PLEA DEAL, OR MY COUNSEL THREATENING ME WITH GETTING A LIFE OF IMPRISONMENT IF FOUND GUILTY. FINALLY AFTER RECEIVING MY THIRD ATTORNEY IN SIX MONTHS, ATTORNEY RICHARD TANASI BASICALLY INFORMED ME TO ACCEPT THE BEST PLEA OFFER, BECAUSE HE WAS NEW TO THE CASE AND DIDN'T KNOW ALL THE FACTS, NOR HAD SUFFICIENT TIME TO MEET COURT DEADLINES & STIPULATIONS FOR THE HEARING.

(b) **Direct Appeal of Ground One:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

- (2) If you did not raise this issue in your direct appeal, explain why:

(c) **Post-Conviction Proceedings:**

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

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(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO: 4th AMENDMENT ILLEGAL SEARCH & SEIZURES

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

ON FEB 16, 2022 NICE DETECTIVE PEREZ #P17759 OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT FABRICATED A AFFIDAVIT TO ILLEGALLY OBTAIN A SEARCH WARRANT FOR MY RESIDENCE & VEHICLES. BY USING A UNDERCOVER OFFICER NAME JORDAN FOX. TO PRESENT AS A PROSTITUTE IN A STING OPERATION. WHO THEN PROVIDED NUMEROUS OF FALSE STATEMENTS TO SEEK THE ARREST WARRANT. DETECTIVE JORDAN FOX ALLEGED THAT I OFFERED HER TO MOVE INSIDE MY RESIDENCE. SHE ALSO STATED I HAVE MULTIPLE PROSTITUTES WORKING FOR ME. AND I TRAIN THEM FROM MY APARTMENT BY BEING A VIRTUE TEACHER. HOWEVER NEITHER DETECTIVES HAD ANY SOLID EVIDENCE TO SUPPORT THEIR ASSUMPTIONS. BUT WAS STILL SUCCESSFUL AT OBTAINING THE SEARCH WARRANTS. FINALLY THEY USED SOME TEXT MESSAGES TO ENTICE & ENTRAPMENT ME FOR A TEN DAY PERIOD.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐No ☐

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(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is “Yes,” state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

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(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

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Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

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14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At the preliminary hearing:

(b) At the arraignment and plea:

(c) At the trial:

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

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18. **TIMELINESS OF MOTION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

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Therefore, movant asks that the Court grant the following relief:

or any other relief to which movant may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on 03-01-2025
(month, date, year)

Executed (signed) on MARCH 01, 2025 (date)

Murrel Vailes
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

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FILED	ENTERED	DELETED
COUNSEL ATTORNEYS OF RECORD		
FEB 03 2023		
2-23		

HONORABLE JUDGE: Jennifer A. Dorsey

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

(CASE NO: 2:22-CR-00104-JAD-BNW)

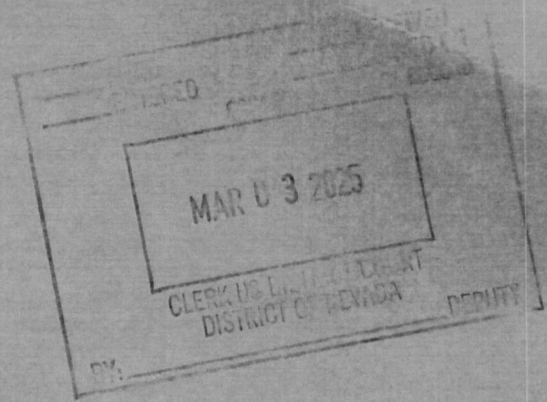
DEPUTY

FIRST OF ALL, I WOULD LIKE TO SAY THANK YOU FOR TAKING TIME OUT YOUR SCHEDULE & READING THIS LETTER. JUDGE DORSEY, TODAY I'M ASKING THE COURTS IS IT POSSIBLE THAT YOU CAN REMOVE ATTORNEY JOANNE L. DIAMOND FROM MY CASE? EVERY SINCE OUR INITIAL CONVERSATION THE ATTORNEY-CLIENT RELATIONSHIP STARTED WITH BAD COMMUNICATION. ANOTHER THING I NOTICED IS JOANNE FALSIFIED STATEMENTS ON THE MOTION TO SUPPRESS REPLY REGARDING CERTAIN STATEMENTS THAT I'VE EXCHANGED WITH THE UNDERCOVER OFFICER. ALSO BASED ON ALL THE OTHER PRIOR CONVERSATIONS REGARDING THE CASE JOANNE HAS ONLY PROVIDED ME BACK WITH NEGATIVE FEEDBACK THOUGHTS OR OPINIONS. NOW AS A CLIENT, I REALLY FEEL VERY DISCOURAGED & INTIMIDATED. TO PURSUE A JURY TRIAL WITH JOANNE AS MY ATTORNEY. SO THEREFORE I'M ASKING THE COURTS TO PROVIDE ME WITH A REPLACEMENT COUNSEL. IN ORDER NOT TO BE REPRESENTED BY ANY ATTORNEY WITH A BIAS OR MALICIOUS INTENT DUE TO ANY FORMS OF DISCRIMINATION.

Thank you

Respectfully,
Muneel Vailel

CLERK, U.S.
DISTRICT OF
333 LAS VEGAS
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X-RAYED U.S. MARSHALS

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